

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-167-T - ORDER NO. 2004-456

OCTOBER 5, 2004

IN RE:	Application of William Murrell d/b/a William)	ORDER
	Murrell & Associates, 516 Broad Street,)	REINSTATING
	Augusta, GA 30901 (Mailing address: Post)	CERTIFICATE
	Office Box 31163, Augusta, GA 30903) for a)	
	Class C Charter Certificate of Public)	
	Convenience and Necessity.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by William Murrell d/b/a William Murrell & Associates (“Applicant” or “Murrell & Associates”) to reinstate Class C Charter Certificate of Public Convenience and Necessity No. 7098 (“Certificate”). Certificate No. 7098 was issued to Murrell & Associates by Commission Order No. 2001-408, dated May 1, 2001.

By Commission Order No. 2004-239, dated May 4, 2004, issued in Docket No. 2004-123-T, a Rule to Show Cause Hearing was set for holders of Certificates of Public Convenience and Necessity that had failed to file the required evidence of insurance and had failed to comply with the statutes governing operations of Motor Vehicle Carriers in South Carolina. The holders of Certificates addressed in Order No. 2004-239 were given thirty (30) days from the date of receipt of the Order to respond to the allegations of their failure to comply with the requirements stated above. The record reflects that Murrell & Associates was a respondent to the Rule to Show Cause for failure to file the required evidence of insurance.

For those motor carriers who had not responded to the prior notifications of noncompliance, a public hearing regarding this matter was held on Wednesday, July 21, 2004, at 11:30 a.m. The Commission found that the Certificates of Public Convenience and Necessity held by certain carriers should be revoked and cancelled for the continued, willful violation by these carriers of the Commission's Rules and Regulations and/or the South Carolina statutes governing Motor Vehicle Carriers [S.C. Code Ann. Section 58-23-10 et. seq. (1976)], with the specific violation being the failure to maintain insurance coverage as required. Accordingly, the Commission issued Order No. 2004-370, dated September 2, 2004, which cancelled Murrell & Associates' Certificate No. 7098.

By letter received September 17, 2004, the Applicant requests that Murrell & Associates' Certificate in question be reinstated. According to the Applicant, Murrell & Associates' insurance carrier failed to file the necessary insurance information with the Commission. As verification of insurance coverage, Murrell & Associates files with its request for reinstatement Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance issued by Murrell & Associates' insurance agent.

At its regularly scheduled meeting on September 30, 2004, the Commission reviewed the case before it and after due consideration, the Commission concludes that the above-mentioned Certificate should be reinstated, subject to compliance with all the applicable statutes and the Commission's Rules and Regulations.

IT IS THEREFORE ORDERED:

1. That Class C Charter Certificate of Public Convenience and Necessity No. 7098 in the name of William Murrell d/b/a William Murrell & Associates be, and hereby is, reinstated, subject to compliance with all Commission Rules and Regulations within sixty (60) days of the date of this Order.

2. That all operating rights authorized under the Certificate are hereby reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations within sixty (60) days of the date of this Order.

3. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, including the requirements of filing proof of insurance and an acceptable safety rating, the motor carrier services authorized by the Certificate shall not be provided.

4. Failure of the Applicant either (1) to complete the certification process by complying with the Commission requirements of causing to be filed with the Commission proof of appropriate insurance and the payment of license fees and such other information required by law within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, shall result in the authorization approved in the Order being revoked.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)